



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/812,351	03/29/2004	Gary Durack	MTC 2001.1 (37-21(53620)B

000321

SENNIGER POWERS LEAVITT AND ROEDER  
 ONE METROPOLITAN SQUARE  
 16TH FLOOR  
 ST LOUIS, MO 63102



CONFIRMATION NO. 2698

## FORMALITIES LETTER



\*OC000000012908885\*

Date Mailed: 06/09/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/21/2005 BABRAHA1 00000070 10812351

FILED UNDER 37 CFR 1.53(b)

01 FC:1001	790.00 OP
02 FC:1051	130.00 OP
03 FC:1201	200.00 OP
04 FC:1202	3000.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1166 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$2066 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Repln. Ref: 01/21/2005 BABRAHA1 0023151200  
 DA#:191345 Name/Number:10812351  
 FC: 9204 \$790.00 CR

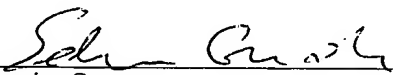
- Total additional claim fee(s) for this application is \$1166

- \$86 for 1 independent claims over 3.
- \$1080 for 60 total claims over 20.

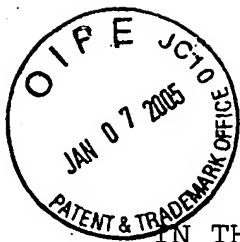
Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



MTC 2001.1 (37-21(53260)B)  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Gary Durack et al.

Art Unit 1651

Serial No. 10/812,351

Filed March 29, 2004

Confirmation No. 2698

For APPARATUS, METHODS AND PROCESSES FOR SORTING PARTICLES AND  
FOR PROVIDING SEX-SORTED ANIMAL SPERM

January 7, 2005

**LETTER IN RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF NON-PROVISIONAL APPLICATION - FILING DATE GRANTED**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

In response to the "Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted," dated June 9, 2004, enclosed is applicants signed Declaration and Power of Attorney in the above-referenced application. A copy of the Notice is returned herewith.

Also enclosed is a check in payment of the filing fee, surcharge and five month extension of time fee. Applicants point out that the basic filing fee and additional claim fees submitted herewith differ from those stated in the Notice to File Missing Parts due to the October 2004 and December 8, 2004 fee increases. A Fee Transmittal form is enclosed.

Respectfully submitted,

*N. Chris Walters*

N. Chris Walters, Reg. No. 52,338  
SENNIGER POWERS  
One Metropolitan Square, 16th Floor  
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01/21/2005 BABRAHA1 00000070 10812351

05 FC:1255

2160.00 OP

NCW/tmg

Express Mail Label No. EV 453249921 US  
Mail Stop Missing Parts

**FEE TRANSMITTAL**

Application Number 10/812,351

Art Unit 1651

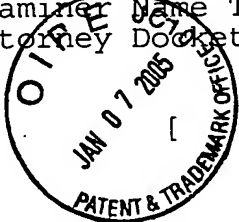
Filing Date March 29, 2004

Confirmation No. 2698

Inventor(s) Gary Durack et al.

Examiner Name To be determined

Attorney Docket Number MTC 2001.1 (37-21(53260)B)



[ ] Applicant claims small entity status.

**METHOD OF PAYMENT**

[ ] The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

[X] Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

**FEE CALCULATION**

1. [X] BASIC FILING FEES (Application filed before 12/8/04)  
(Type: Utility) Subtotal (1) \$790.00

2. [X] EXCESS CLAIM FEES

Total Claims 80 - 20 (HP) = 60 x Fee 50.00 = \$3,000.00  
Indep Claims 4 - 3 (HP) = 1 x Fee 200.00 = \$200.00

Multiple Dependent Claims Fee \$                    

(HP = highest number of claims paid for)

Subtotal (2) \$3,990.00

3. [ ] APPLICATION SIZE FEE

Total Pages        - 100 =        ÷ 50 =        x \$250 = \$                      
(Application + Drawings) (round up to whole #)

Subtotal (3) \$                    

4. [X] OTHER FEE(S)

[X] 5th month extension of time (\$2,160.00)

[ ] Information disclosure statement

[ ] 37 CFR 1.17(q) processing fee

[ ] Non-English specification

[ ] Notice of Appeal

[ ] Filing a brief in support of appeal

[ ] Request for oral hearing

[X] Other: Missing Parts Surcharge (\$130.00)

Subtotal (4) \$2,290.00

TOTAL AMOUNT OF PAYMENT \$7,070.00

N. Chris Walters

1/7/04

N. Chris Walters, Reg. No. 52,338

Date

Telephone: 314-231-5400

NCW/tmg

Express Mail Label No. EV 453249921 US